

Document Log

From		To	
Kathleen Mayo/R5/USEPA/US		tledder@ncis.net	
CC		BCC	
David Pfeifer/R5/USEPA/US@EPA Joan Karnauskas/R5/USEPA/US@EPA			
Subject		Date/Time	
Re: Bad River Tailored WQS		04/04/2000 10:40 AM	

Document Body

Tracey,

We certainly don't mean to treat the Tribe with disrespect. In fact, we thought that by trying to do the Region 5 tailored option, we were attempting to listen to what you wanted. If the short deadlines are coming across as disrespect, that was not our intent. I can answer some of your questions below, but I will forward your message on the HQ as well.

Answer to #1: The tight deadline is due to the fact that HQ would like to publish the proposed rule in the Federal Register possibly in July. Office of Management and Budget (OMB) needs 90 days to review it before that happens. Therefore, we are already cutting in to that review time. The Region has given you an April 10th deadline to work out the bugs in your standards because we need to put them into rule language and submit them to HQ on the 10th. HQ will do a review and submit everything to OMB by April 14th.

Answer to #2: Yes, as I indicated before, I will write something into the Regional portion of the rule that will allow you to pull back your standards if you don't like the way things are going. And yes, we still don't know for sure whether HQ will allow the Region 5 option of tailored standards to be a part of the overall rule. That all depends on how good our piece looks. If it's not well-written and we can't submit a quality product within their deadlines, then they may decide to cut it.

I'll try to get answer to #3 and #4 from HQ. I'll let you know as soon as I find out.

I apologize for having to push you on this, but I had to - if we wanted to give this a shot.

Kathy

tledder@ncis.net on 04/04/2000 09:21:08 AM



tledder@ncis.net on 04/04/2000 09:21:08 AM

Please respond to tledder@ncis.net

To: Kathleen Mayo/R5/USEPA/US@EPA

cc:

Subject: Bad River Tailored WQS

Kathy,

I spoke to Shannon yesterday. Unfortunately, we were in the wastewater team meetings from 10 AM to 5:15 PM and had no time to get back to you.

Shannon is positive that the Tribe (ie, me) can not submit draft tailored standards of any sort to EPA headquarters without the approval of the Tribal Council. Council has not had a look at our WQS in any shape or form. After going over your comments and re-working and Dave's comments, I will have to take that format to Council before the tailored standards go anywhere beyond your office. This is not possible by the April 10th deadline.

Then we also had a few questions we need answered/clarified, not the least of which is that if the USEPA has no plans to publish core standards before this fall, why is the Tribe being treated so disrespectfully of their governmental requirements as to the necessity of getting something to headquarters by April 10th (a deadline given us, along with your comments on our draft tailored standards last week).

1. When will core standards be published in the federal register or is there as yet no timeline?
2. Does the Tribe still have the option to pull out of the tailored option if we do not like what happens to them in public comment - assuming Region V will be granted the tailored option of Core promulgation.
3. Could we add our designated uses upon three-year review of core promulgated standards - or are core promulgated standards ineligible for review and change?
4. The state of Wisconsin has designated the Sloughs as ONRW (without consulting the Tribe but it does afford some protection - if the WI GLI standards are ever approved by the EPA), is this protection lost upon core promulgation if the Tribe does not get their designated uses through the tailored option?

I will be checking today for the comments you sent yesterday afternoon. Please feel free to contact me about these or other questions.

Tracey Ledder
Bad River Water Resources Specialist
tledder@ncis.net